

1951

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SOUTH-EAST ASIA

BRUNEI

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UNTIL

1982

BISHOP OF BORNEO (INCORPORATION)

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ENACTMENT No 6 OF 1951

Previous

Subsequent

H531

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H02 Legal Library

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Mr. Lane H532

14/8

Sir G. Whiteley

14/8

MR. O'Leary

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Mr. Saul

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1. BRUNEI SAN 72 — 31. 7. 51
(ORIG ON 59709/35/51)

Legal Adviser
Mr. Oxley.

Sir G. Whiteley,

You may wish to see this
enactment, which does not seem to call
for any action here.

A. L. Oxley
14/8.

MR Oxley

Have you any legal observations
on the enactment behind (1) to which
a report + comparative table are att'd?
If not, we shall follow the usual
practice, acknowledge receipt
stating we have no comments.

G. C. Whiteley
14/8.

There is no information on these papers
showing the relationship of the Society for the
Propagation of the Gospel to the Bishop of Labuan and
Sarawak and, since no agreement by the S.P.G. to the
transfer from them is recorded, sections 4 and 5
are on the face of the Ordinance confiscatory.
Presumably however this is not so and, although we
are not told, the S.P.G. fully consented to the
transfer.

A. L. Oxley

16th August, 1951.

Noted CC
B 29/8/51.

2. BRUNEI SAN 80 — 28. 8. 51
(ORIG ON 59709/35/51)

Saving

ORIG

59709/35

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2

From the Secretary of State for the Colonies.

To the ~~Chief~~ ^{HIGH COMMISSIONER FOR BRUNEI.} Administering the Government of

Date 28 August, 1951.

No. 80 Saving

Your Savingram No. 72 dated 31st July, 1951.

I acknowledge receipt of the following enactments, on which I have no observations to make:-

~~Revised Edition of the Laws Enactment~~
No. 4 of 1951.

~~Application of Laws Enactment~~
No. 5 of 1951

Bishop of Borneo (Incorporation)
Enactment, No. 6 of 1951.

~~India (Consequential Provision)~~
Enactment, No. 7 of 1951.

SECR.

ORIG ON 59709/25/51

COPY

4

PAS/WM. REF: 27/HCO/110

Saving

From the High Commissioner for Brunei.

To the Secretary of State for the Colonies.

Date 31st July, 1951.

No. 72. Saving.

I enclose Legal Reports by the Legal Officer
on the following Brunei Enactments:-

~~Revised Edition of the Laws Enactment,~~
No. 4 of 1951.

~~Application of Laws Enactment,~~
No. 5 of 1951.

Bishop of Borneo (Incorporation) Enactment,
No. 6 of 1951.

~~India (Consequential Provision) Enactment,~~
No. 7 of 1951.

~~Ten copies of each Enactment are enclosed.~~

No. S 6—BISHOP OF BORNEO (INCORPORATION) ENACTMENT, 1951.

The following Enactment by His Highness the Sultan in Council is published for general information:—

STATE OF BRUNEI.

Enactment No. 6 of 1951.

An Enactment for the incorporation of the Bishop of Borneo and matters incidental thereto.

E. E. F. PRETTY,

*British Resident,
Brunei.*

[25th April, 1951.]

It is hereby enacted by His Highness the Sultan in Council as follows—

Short title
and commence-
ment.

1. This Enactment may be cited as the Bishop of Borneo (Incorporation) Enactment, 1951, and shall come into force on the 25th day of April, 1951.

Bishop of
Borneo to
be a body
corporate.

2.—(1) The lawful holder for the time being of the office of Bishop of Borneo is hereby constituted a body corporate, under the name of the Bishop of Borneo, hereinafter called the corporation.

(2) The corporation for the purposes of this Enactment may sue and be sued in its said name and shall have perpetual succession and a corporate seal.

Powers.

3. The corporation may acquire, purchase, take, hold and enjoy moveable and immoveable property of every description and may surrender and yield up, charge, lease, sub-lease, re-assign, transfer or otherwise dispose of, or deal with, any moveable or immoveable property vested in the corporation upon such terms as to the corporation seems fit.

Vesting of
property.

4. All immoveable property situated in the State and heretofore conveyed or assigned to or vested in the Society for the Propagation of the Gospel or the Bishop of Labuan and Sarawak, whether with or without the name of the ecclesiastic for the time being holding that office, is hereby

alterations and amendments as may be necessary to make the same applicable to the circumstances of the State and, in particular, subject to the modifications, set forth in the fourth column of the said Schedule.

4. The Sultan in Council may, by resolution, amend or vary the Schedule to this Enactment and may add thereto any Act of the Parliament of the United Kingdom whether enacted before or after the commencement of this Enactment.

Power to
amend, vary
or add to
Schedule.

SCHEDULE.

<i>Short title.</i>	<i>Extent of application.</i>	<i>Date of coming into force in the State.</i>	<i>Modifications.</i>
Law Reform (Contributory Negligence) Act, 1945.	The whole, except sections 5 and 6.	25th April, 1951.	(i) In subsection (7) of section 1 the reference to the Carriage by Air Act, 1932, shall be read as a reference to the Carriage by Air Enactment, 1935. (ii) In sections 2 and 4, the references to the Workmen's Compensation Acts, 1925 to 1943 and to sections thereof shall be read as references to the Workmen's Compensation Enactment, 1950, and to the corresponding sections thereof.
Law Reform (Personal Injuries) Act, 1948.	Sections 1, 3, 4 and sub-section (1) of section 6.	25th April, 1951.	

vested in the corporation for the respective estates and interests for which the same is held.

5. Any deed, document or other instruments, the operation of which has not lapsed or been discharged prior to the date of commencement of this Enactment and in which appears the name of the Society for the Propagation of the Gospel or of the Bishop of Labuan and Sarawak shall be read and construed as if there were substituted therefor the corporate name of the Bishop of Borneo. Documents.

*Enactment
No. 2 of
1921.*

6. All deeds, documents and other instruments requiring the seal of the corporation shall be sealed with the seal of the corporation in the presence of the Bishop of Borneo for the time being or his attorney duly authorised by a power of attorney deposited under section 3 of the Powers of Attorney Enactment, 1921, and shall also be signed by the said Bishop for the time being or his attorney so authorised as aforesaid, and such signing shall be sufficient evidence that the said seal was duly and properly affixed and that the same is the lawful seal of the corporation. Use of corporate seal.

*Enactment
No. 8 of
1948.*

7. Section 10 of the Marriage Enactment, 1948, shall be read and construed as if for the words "Bishop of Labuan and Sarawak" appearing in subsection (3) thereof there were substituted the words "Bishop of Borneo", and every other written law in which the words "Bishop of Labuan and Sarawak" appear shall be similarly read and construed. Amendment of written laws.

8. A notification by the Resident of the appointment of any person to exercise the office of Bishop of Borneo shall be conclusive evidence that such person was duly authorised to exercise the said office in the State. Notification of appointment.

No. S 7—INDIA (CONSEQUENTIAL PROVISION) ENACTMENT, 1951.

The following Enactment by His Highness the Sultan in Council is published for general information:—

STATE OF BRUNEI.**Enactment No. 7 of 1951.**

An Enactment to make provision as to the operation of the law in relation to India, and persons and things in any way belonging to or connected with India, in view of India's becoming a Republic while remaining a member of the Commonwealth.

E. E. F. PRETTY,

*British Resident,
Brunei.*

[25th April, 1951.]

WHEREAS on the twenty-sixth day of January, 1950, India became a Republic while remaining a member of the Commonwealth:

It is hereby enacted by His Highness the Sultan in Council as follows—

Short title
and commence-
ment.

1. This Enactment may be cited as the India (Consequential Provision) Enactment, 1951, and shall be deemed to have come into force on the twenty-sixth day of January, 1950.

Operation of
existing law
in relation
to India in
view of India's
becoming a
Republic.

2.—(1) On and after the twenty-sixth day of January, 1950, being the date of India's becoming a Republic, all existing law, that is to say, all law which, whether being a rule of law or a provision of an Enactment or of any other enactment or instrument whatsoever, is in force on that date or has been passed or made before that date and comes into force thereafter, shall, until provision to the contrary is made by the authority having power to alter that law and subject to the provisions of subsection (2) of this section, have the same operation in relation to India, and to persons and things in any way belonging to or connected with India, as it would have had if India had not become a Republic.

STATE OF BRUNEI

Bishop of Borneo (Incorporation) Enactment, 1951.

(Enactment No.6 of 1951)

Legal Report.

On September 29th, 1949, the style and title of the Bishop of Labuan and Sarawak was changed, by an instrument under the hand and seal of the Archbishop of Canterbury, to the style and title of the Bishop of Borneo.

2. As a result of the above change of title the Colony of Sarawak enacted the Bishop of Borneo (Title) Ordinance, 1950, a measure designed to have retrospective effect from the date of the instrument creating the new style and title; and shortly after enactment the Bishop of Borneo wrote to the Legal Adviser, pointing out that it was understood that certain properties in the State were held in the names of the Bishop of Labuan and Sarawak and also in the name of the Society for the Propagation of the Gospel.

3. Unlike Sarawak, the State has no provision for the incorporation of missionary societies, such as the Missionary Societies Ordinance (Cap.121 in the Revised Edition of the Laws of Sarawak) affords, and it therefore became necessary to incorporate the office of Bishop of Borneo, as well as to make provision for the vesting in the person holding that office of property that might properly to be vested in him. The Enactment is based chiefly on the Colony of Singapore Bishop of Singapore Ordinance (Cap.247 in the 1936 Edition of the Laws of the Straits Settlements).

R. H. H. H.
for Legal Adviser,
Brunei.

July 25th, 1951.

STATE OF BRUNEI

Bishop of Borneo (Incorporation) Enactment, 1951.

Comparative Table.

This Enactment is based on the Bishop of Singapore Ordinance (Cap.247 in the Laws of the Straits Settlements, Edition of 1936) hereinafter referred to as "Singapore model" and the Bishop of Borneo (Title) Ordinance, 1951 (Colony of Sarawak, Ordinance No.8 of 1950) hereinafter referred to as "Sarawak Ordinance".

<u>Section</u>	<u>Marginal Note.</u>	<u>Source</u>
1.	Short title and commencement.	-
2.	Bishop of Borneo to be a body corporate.	New.
3.	Powers.	Singapore model, section 2(3) adapted.
4.	Vesting of property.	Singapore model, section 3, adapted to apply to Society for the Propagation of the Gospel and the Bishop of Labuan and Sarawak.
5.	Documents.	Sarawak Ordinance, section 3, adapted.
6.	Use of corporate seal.	Singapore model, section 4(1) and (2).
7.	Amendment of written laws.	Sarawak Ordinance, section 7, adapted.
8.	Notification of appointment.	Singapore model, section 5, adapted.

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Enactments. Bishop of Borneo (Incorporation) Enactment No 6 of 1951. 1951. MS Records of the British Colonial Office CO 943/2/4. The National Archives (Kew, United Kingdom). State Papers Online Colonial, link.gale.com/apps/doc/OEXSJB000867097/SPOC?u=omni&sid=bookmark-SPOC&pg=1. Accessed 21 Dec. 2024.